

**Department of Environmental Quality
Air, Energy, and Mining Division
Air Quality Bureau
DRAFT Portable Registration Program**

November 15, 2018

The following draft administrative rules will be presented for initiation of rulemaking by the Board of Environmental Review at the Board's meeting beginning at 9:00 a.m. on December 7, 2018. The draft rules are being shared in advance of the meeting to allow stakeholders and the public an opportunity for review. The rules are a final draft version and there may be minor changes to the language before initiation of rulemaking. Should the Board initiate rulemaking on December 7th, a notice of public hearing on proposed adoption will be published in the Montana Administrative Register and an official public comment period will begin. More information on the Board of Environmental Review, including a meeting calendar and meeting agendas and minutes, can be found here: <http://deq.mt.gov/DEQAdmin/ber>. Contact Rebecca Harbage in the Department's Air Quality Bureau at 406-444-1472 or rharbage@mt.gov with any questions related to the process or draft rules.

[NEW RULE I] DEFINITIONS For the purposes of this subchapter, the following definitions apply:

- (1) "Asphalt plant" means any facility used to manufacture asphalt by heating and drying aggregate and mixing it with asphalt cement.
- (2) "Concrete batch plant" (CBP) means any facility that combines various ingredients, such as sand, water, aggregate, fly ash, potash, cement, and cement additives, to form concrete.
- (3) "Deregister" means to revoke a registration.
- (4) "Drop point" means a location at which air emissions are generated from material transfer such as loading of raw materials into a hopper or transferring materials between conveyers.
- (5) "Dust suppression control" means the use of water, water spray bars, chemical dust suppression, wind fences, enclosures, or other dust control techniques.
- (6) "Facility" means any real or personal property that is either portable or stationary and is located on one or more contiguous or adjacent properties under the control of the same owner or operator and that emits or has the potential to emit any air pollutant subject to regulation under the Clean Air Act of Montana or the Federal Clean Air Act and that has the same two-digit standard industrial classification code. A facility may consist of one or more emitting units.
- (7) "Nonmetallic mineral" has the meaning given in 40 CFR Part 60, subpart OOO.
- (8) "Nonmetallic mineral processing plant" (NMMPP) means any facility consisting of any equipment that is used to crush, grind, or screen any nonmetallic mineral. It includes material-handling equipment and associated transfer points. It does not include facilities in underground mines or at other stationary sources subject to Montana air quality permitting.

(9) "Permanent location" means a physical location of operation at which a registered facility may remain or does remain for more than 12 months.

(10) "Registration" means the submission to the department of the identity of equipment and/or processes in accordance with this subchapter, and the acknowledgment of the duty to comply with this chapter.

(11) "Registered facility" means a facility that has been registered in accordance with this subchapter.

(12) "Temporary location" means a physical location of operation at which a registered facility may not remain for more than 12 months.

AUTH: 75-2-111, 75-2-234, MCA

IMP: 75-2-234, MCA

[NEW RULE II] APPLICABILITY (1) This subchapter applies to the following facilities:

(a) Nonmetallic mineral processing plants with annual production of less than 8,000,000 tons as a rolling 12-month total.

(b) Concrete batch plants with annual production of less than 1,000,000 cubic yards as a rolling 12-month total.

(c) Asphalt plants that:

(i) Combust natural gas, propane, distillate fuel, waste oil, diesel, or biodiesel, and

(ii) Have annual production of less than:

(A) 996,000 tons as a rolling 12-month total for drum mix plants; or

(B) 324,000 tons as a rolling 12-month total for batch mix plants.

(d) Engines, such as power generators and other internal combustion engines, associated with any facility described in (a)-(c).

(2) A facility that produces more than a limit in (1) may not register in lieu of permitting, and the owner or operator of that facility shall comply with the applicable application and permitting requirements of this chapter.

AUTH: 75-2-111, 75-2-234, MCA

IMP: 75-2-234, MCA

[NEW RULE III] REGISTRATION PROCESS AND INFORMATION (1) Except as provided in (3), the owner or operator of a facility that meets the applicability criteria of [NEW RULE II] and that commences operation after [the effective date of this rule] shall:

(a) register with the department prior to beginning initial operations, or

(b) register with the department and request revocation of the associated Montana air quality permit (MAQP), if the owner or operator holds a valid MAQP for the facility.

(2) Except as provided in (3), the owner or operator of a facility that meets the applicability criteria of [NEW RULE II] and that commenced operation prior to [the effective date of this rule] shall:

- (a) register with the department no later than December 31, 2019, and
 - (b) request revocation of the associated MAQP, if the owner or operator holds a valid MAQP for the facility.
- (3) An engine that meets the applicability criteria of [NEW RULE II] is exempt from the requirement to register with the department if the engine will be located only at temporary locations.
- (4) To register, the owner or operator shall submit a complete registration notification to the department on the form provided by the department. The notification information must include, but is not limited to:
- (a) Company name and mailing address;
 - (b) Owner or operator's name, mailing address, telephone number, and email address;
 - (c) Contact person's name, mailing address, telephone number, and email address;
 - (d) Physical location(s) of intended permanent location(s), initial temporary location if no permanent location is proposed, or business location if no in-state location of operation has been identified (legal description to the nearest 1/4 section);
 - (e) Physical location(s) of each existing facility not included in (d) for which the owner or operator holds a valid MAQP;
 - (f) Equipment-specific information, as applicable, including:
 - (i) Unit type;
 - (ii) Manufacturer's name;
 - (iii) Date of manufacture; and
 - (iv) Horsepower.
- (5) A facility is considered registered upon the department's receipt of both the complete notification required in (3) and the appropriate registration fee required in [NEW RULE IV].
- (6) Within 15 calendar days after registration, the department shall publish acknowledgment of the registration on the department's website at <http://deq.mt.gov/Air/PublicEngagement>.
- (7) An owner or operator of a registered facility may operate no earlier than 15 calendar days after registration, unless the owner or operator held a valid MAQP for the facility at the time of registration. Registration does not supersede any other local, state, or federal requirements associated with the operation of registered facilities.
- (8) An owner or operator of a registered facility shall provide notification to the department, using a form provided by the department, of any change(s) to the equipment-specific information required in (3) by March 15th of each calendar year.
- (9) If the owner or operator of a registered facility changes, the new owner or operator shall, prior to operating the facility, register with the department by submitting the information required in (3).
- (10) An owner or operator of a registered facility shall update the registration information by submitting notification to the department, on a form provided by the

department, to identify a location as a permanent location in advance of remaining at the location for longer than 12 months.

(11) Registration under this subchapter is valid provided the registered facility continues to meet the applicability criteria in [NEW RULE II].

AUTH: 75-2-111, 75-2-234, MCA

IMP: 75-2-234, MCA

[NEW RULE IV] REGISTRATION FEE (1) An owner or operator is not required to pay the registration fee in ARM 17.8.504 for a registration submitted before December 31, 2019.

(2) No registration fee is required to register a facility if the owner or operator holds a valid MAQP at the time of registration.

AUTH: 75-2-111, 75-2-234, MCA

IMP: 75-2-234, MCA

[NEW RULE V] GENERAL OPERATING REQUIREMENTS (1) This subchapter does not relieve an owner or operator of a facility required to register under this subchapter of the responsibility for complying with any applicable federal, state, or local statute, rule, or order.

(2) Registration does not affect the responsibility of an owner or operator to comply with the applicable requirements of any control strategy contained in the Montana State Implementation Plan.

(3) The department may require a test, emission or ambient, according to ARM 17.8.105. If a test is required of an owner or operator by the department, the owner or operator shall conduct the test. Each compliance source test must conform to ARM 17.8.106.

(4) An owner or operator of a facility required to register under this subchapter:

(a) shall install, operate, and maintain all equipment to provide the maximum air pollution control for which it was designed.

(b) shall employ dust suppression control that is installed, maintained, and operated to ensure that the facility complies with this chapter. Dust suppression control for crushing, screening, and/or conveyor transfer points consisting of water spray bars and/or chemical dust suppression must be operating if any visible emissions equal to or greater than 10 percent opacity averaged over six consecutive minutes are present.

(c) shall allow the department's representatives access to the operations at any facility at all reasonable times to inspect or conduct surveys, collect samples, obtain data, audit any monitoring equipment or observe any monitoring or testing, and otherwise conduct all necessary functions related to the administration of this chapter.

(d) may not operate an engine that is subject to the requirements of this subchapter at any permanent location when the combined horsepower hours of those sources exceed the following limits:

- (i) 6,000,000 horsepower-hours per rolling 12-month period, or
- (ii) 3,500,000 horsepower-hours per rolling 12-month period, if an asphalt plant is also located at the permanent location.

AUTH: 75-2-111, 75-2-234, MCA

IMP: 75-2-234, MCA

[NEW RULE VI] NOTICE OF LOCATION (1) For each category of facility identified in [NEW RULE II], an owner or operator shall identify the locations of all registered facilities by submitting notice to the department in accordance with the following:

(a) The owner or operator shall submit notice of location, on the form provided by the department, at least 15 calendar days before commencing operation at any facility, unless the owner or operator previously submitted the physical location of the facility under [NEW RULE III](4).

(b) Upon receipt of a complete notice of location, the department shall publish notification on the department's website at <http://deq.mt.gov/Air/PublicEngagement>.

(c) The owner or operator shall confirm the location, in a manner prescribed by the department, within 10 calendar days after commencing operation at the location.

(d) The owner or operator shall notify the department, in a manner prescribed by the department, within 10 calendar days after removing all equipment of a single category from the location. Following such notification, the owner or operator shall comply with (a)-(c) prior to operating equipment of that category at the location again.

(2) An owner or operator may transfer equipment between any locations that have been identified under (1), unless the owner or operator has notified the department under (1)(d) that all equipment of the same category has been removed from the location.

(3) A registered facility may not remain at a temporary location for more than twelve months. Before twelve months have elapsed, the owner or operator of the registered facility shall either:

(a) Remove all equipment from the temporary location, according to the applicable requirements in this rule; or

(b) Register the location as a permanent location.

AUTH: 75-2-111, 75-2-234, MCA

IMP: 75-2-234, MCA

[NEW RULE VII] DEREGISTRATION (1) The department may deregister a facility:

(a) on written request of the owner or operator, or

(b) for a violation of this chapter.

(2) To deregister a facility under (1)(b), the department shall notify the owner or operator in writing of its intent to deregister by certified mail, return receipt requested, to the owner or operator's last known address and advise the owner or operator of the right to request a hearing before the board in 75-2-211, MCA.

(3) If the department does not receive a return receipt for the notice of intent to deregister in (2), the department may give notice to the owner or operator by publishing the notice of intent to deregister. The publication must occur once each week for three consecutive weeks in a newspaper published in the county indicated in the most recently updated registration as the county where the owner or operator's mailing address is located. If no newspaper is published in that county, then the notice may be published in a newspaper having a general circulation in that county.

(4) When the department has published notice under (3), the owner or operator is deemed to have received the notice on the date the last notice was published.

(5) A hearing request must be in writing and must be filed with the board within 15 days after receipt of the department's notice of intent to deregister. Filing a hearing request postpones the effective date of the department's decision until issuance of a final decision by the board.

(6) If no hearing request is filed, the department's decision to deregister a facility is final when 15 days have elapsed from the date the owner or operator received notice.

(7) A hearing under this subchapter is governed by the contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, MCA.

AUTH: 75-2-111, 75-2-234, MCA

IMP: 75-2-234, MCA

[NEW RULE VIII] RECORDKEEPING AND REPORTING (1) The owner or operator of a registered facility shall:

(a) make records showing operation location, daily hours of operation, daily production rates, daily pressure drop readings, if applicable, and, if located at a permanent location, daily horsepower hours of engines.

(b) total the daily production for the previous month by the 25th day of each month.

(c) record and keep in a log all required facility inspection, repair, and maintenance.

(d) maintain each record required by this subchapter for at least five years following the date the record was created.

(e) keep records at the facility site or at another convenient location such that they can be made available to the department for inspection, and submitted to the department upon request.

AUTH: 75-2-111, 75-2-234, MCA

IMP: 75-2-234, MCA

[NEW RULE IX] REQUIREMENTS FOR CONCRETE BATCH PLANTS

(1) Except as provided in (2), an owner or operator of a concrete batch plant required to register under this subchapter shall control particulate emissions from the facility at all times during operation using:

(a) a fabric filter dust collector or equivalent on each cement silo, cement storage silo, weigh hopper, or auxiliary storage bin, and

(b) a particulate containment boot or equivalent on every product loadout opening.

(2) If a concrete batch plant required to register under this subchapter that commenced operation prior to [the effective date of this rule] does not have the control equipment in (1) installed at the time of registration, the owner or operator of the facility shall install the equipment no later than twelve months after registration.

(3) In addition to the general requirements in [NEW RULE VIII], the owner or operator shall inspect each facility for fugitive dust at least once in each month that the regulated facility operates. If any visible emissions from the baghouse are present, the inspection must include an inspection of the baghouse for evidence of leaking, damaged, or missing filters. If an inspection identifies such a problem, the owner or operator shall take appropriate corrective actions to restore the filter system to proper operation before resuming normal operations.

AUTH: 75-2-111, 75-2-234, MCA

IMP: 75-2-234, MCA

[NEW RULE X] REQUIREMENTS FOR ASPHALT PLANTS (1) An owner or operator of an asphalt plant required to register under this subchapter:

(a) shall limit particulate matter emissions to no more than:

(i) 0.04 grains per dry standard cubic foot; or

(ii) 0.10 grains per dry standard cubic foot, for a facility that holds a valid MAQP containing this limit at the time of registration.

(b) shall control emissions from each dryer or mixer at all times during operation using control equipment capable of achieving the applicable emission limit.

(c) when a bag replacement is needed at an emitting unit using a baghouse control device, shall shut down the unit until the replacement bag is installed.

(d) shall install and maintain a device to measure the pressure drop on the control device, such as a magnehelic gauge or manometer. Pressure drop must be measured in inches of water and recorded daily.

(e) shall install and maintain temperature indicators at the control device inlet and outlet.

(f) may not allow the asphalt production rate to exceed the average production rate during the last source test demonstrating compliance.

(g) may retest at a higher production rate than that in (f) at any time.

(2) Records made and maintained under [NEW RULE VIII] must include daily pressure drop readings from the control device and daily water input rate or water input pressure, if applicable.

AUTH: 75-2-111, 75-2-234, MCA

IMP: 75-2-234, MCA